

AMENDED IN ASSEMBLY APRIL 21, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1420

Introduced by Assembly Member Salas

February 27, 2015

An act to add Section 101042 to the Health and Safety Code, and to add ~~Section~~ *Sections 3270.5 and 3270.6* to the Public Resources Code, relating to oil and gas.

LEGISLATIVE COUNSEL'S DIGEST

AB 1420, as amended, Salas. Oil and gas: pipelines.

Existing law requires the Division of Oil, Gas, and Geothermal Resources to prescribe minimum facility maintenance standards for oil and gas production facilities, including pipelines that are not under the jurisdiction of the State Fire Marshal.

This bill would require the division to prioritize the identification and testing of those pipelines that are near sensitive areas.

Existing law establishes local health departments, under the purview of the local health officer. Existing law prescribes various duties for those local health departments, including supervising remediation when hazardous waste is released and enforcing statutes relating to public ~~health~~ *health*.

This bill would require a local health ~~department~~ *officer or his or her designee*, if *he or she* is notified of a leak in a pipeline regulated by the ~~division~~ *division and makes certain determinations*, to take certain actions related to the leak, working collaboratively with the division and the owner or operator of that pipeline. The bill would require the

local public health ~~department~~ officer or his or her designee to direct the responsible party to notify residents affected by the leak if ~~it~~ he or she determines that the leak poses a serious threat to public health and safety. Because the bill would require a local health ~~department~~ officer or his or her designee to provide a higher level of service to the public, this bill would impose a state-mandated local program.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

This bill would require operators of pipelines under the division's jurisdiction, upon discovery of a leak from the pipeline, to notify the division and the appropriate local health officer or his or her designee of the leak. Because a violation of this requirement would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 101042 is added to the Health and Safety
- 2 Code, to read:
- 3 101042. (a) If the local health ~~department~~ officer or his or her
- 4 designee is notified of a leak in a pipeline that is regulated by the
- 5 Division of Oil, Gas, and Geothermal Resources pursuant to Article
- 6 4.4 (commencing with Section 3270) of Chapter 1 of Division 3
- 7 of the Public Resources ~~Code~~, Code and the local health officer

1 *or his or her designee determines that the leak poses a risk to*
2 *public health or safety and the response to the leak has been*
3 *inadequate to protect the public health or safety, the local health*
4 ~~department~~ *officer or his or her designee shall, working*
5 *collaboratively with the division and the owner or operator of the*
6 *pipeline, do both of the following:*

7 (1) ~~Test~~ *Direct the responsible party to test, to the satisfaction*
8 *of the agency overseeing the testing, the soil, air, and water in the*
9 *affected area for contamination caused by the leak and disclose*
10 *the results of the tests to the public.*

11 (2) *Make a determination, based on the result of the tests, on*
12 *whether the leak poses a serious threat to the public health and*
13 *safety of residents affected by the leak, and provide assistance to*
14 *those residents if it so determines.*

15 (b) ~~If the local health department officer or his or her designee~~
16 *determines, based on the results of the test, that the leak poses a*
17 *serious threat to public health and safety, the department shall*
18 *local health officer or his or her designee shall direct the*
19 *responsible party to notify all residents affected by the leak.*

20 SEC. 2. *Section 3270.5 is added to the Public Resources Code,*
21 *to read:*

22 3270.5. *The division shall prioritize the identification and*
23 *testing of all pipelines regulated pursuant to this article under its*
24 *jurisdiction that are near sensitive areas, such as residential areas*
25 *and schools.*

26 ~~SEC. 3. If the Commission on State Mandates determines that~~
27 ~~this act contains costs mandated by the state, reimbursement to~~
28 ~~local agencies and school districts for those costs shall be made~~
29 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
30 ~~4 of Title 2 of the Government Code.~~

31 SEC. 3. *Section 3270.6 is added to the Public Resources Code,*
32 *to read:*

33 3270.6. *Upon the discovery of a leak from a pipeline under the*
34 *jurisdiction of the division, the operator of the pipeline shall*
35 *promptly notify the division and the local health officer, or his or*
36 *her designee, of the jurisdiction in which the leak is located.*

37 SEC. 4. *No reimbursement is required by this act pursuant to*
38 *Section 6 of Article XIII B of the California Constitution for certain*
39 *costs that may be incurred by a local agency or school district*
40 *because, in that regard, this act creates a new crime or infraction,*

1 *eliminates a crime or infraction, or changes the penalty for a crime*
2 *or infraction, within the meaning of Section 17556 of the*
3 *Government Code, or changes the definition of a crime within the*
4 *meaning of Section 6 of Article XIII B of the California*
5 *Constitution.*
6 *However, if the Commission on State Mandates determines that*
7 *this act contains other costs mandated by the state, reimbursement*
8 *to local agencies and school districts for those costs shall be made*
9 *pursuant to Part 7 (commencing with Section 17500) of Division*
10 *4 of Title 2 of the Government Code.*